

organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule

will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only 2 hours that will prohibit entry from MM. 190 to 192 on the Cumberland River for the fireworks display. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination will be available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1., Revision No. 01.2.

- 2. Add § 165.801-0591 to read as follows:

§ 165.T08-2022-0591 Safety Zone; Cumberland River, Nashville, TN.

(a) *Location.* The following area is a safety zone: all navigable waters of the

Cumberland River, Mile Markers 190 to 192, extending the entire width of the river.

(b) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This section will be enforced from 9 p.m. to 11 p.m. on August 6, 2022.

Dated: July 25, 2022.

H.R. Mattern,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2022-16395 Filed 7-29-22; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

[COE-2021-0005]

Elizabeth River, Naval Station Norfolk Deperming Station, Norfolk, VA; Restricted Area

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is establishing a restricted area in the waters of the Elizabeth River surrounding the Naval Station Norfolk (NSN) Lambert's Point Deperming Station in Norfolk, Virginia. Naval Station Norfolk is the home port of numerous ships and its facilities provide operational readiness support to the U.S. Atlantic Fleet. The deperming station is located within the waters of the Elizabeth River and it provides magnetic silencing services for military vessels. This deperming station is the only location capable of servicing an aircraft carrier and the only deperming facility on the east coast of the United States. The restricted area is necessary to protect underwater equipment, personnel, and vessels utilizing the facility by implementing a waterside security program. The regulation establishes the restricted area in waters surrounding the existing facility immediately adjacent to the channel into Norfolk Harbor.

DATES: Effective August 31, 2022.

ADDRESSES: U.S. Army Corps of Engineers, Attn: CECW-CO (David Olson), 441 G Street NW, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-761-4922 or via email at david.b.olson@usace.army.mil.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the October 8, 2021, edition of the **Federal Register** (86 FR 56236) and the *regulations.gov* docket number was COE-2021-0005. In response to the proposed rule, five comments were received.

One commenter said that no natural heritage resources, potential habitat for natural heritage resources, or state natural area preserves under the Virginia Department of Conservation and Recreation's jurisdiction were identified in the vicinity of the proposed restricted area. They also stated that the current activity will not affect any documented state-listed plants or insects. Another commenter stated that the proposed rule does not include any activities that will disturb Chesapeake Bay Preservation Areas. Therefore, no Chesapeake Bay Preservation Act requirements are relevant to the establishment of the restricted area. One commenter said that no public groundwater wells are located within one mile of the proposed restricted area and no surface water intakes are located within five miles of the proposed restricted area. This commenter also stated that the proposed restricted area is also not within the watershed of any public surface water intakes and there are no apparent impacts to public drinking water sources due to the establishment of this restricted area. Another commenter said that the proposed restricted area is outside of their agency's jurisdictional areas and they will not require a permit for the establishment of the restricted area.

One commenter expressed support for amending the federal regulations to include a restricted area around Lambert's Point Deperming Station. They said that the work performed at the deperming station is critical to the safety of the U.S. Naval Fleet, and the proposed restricted area is essential for its protection. This commenter referenced several federal regulations to support the Corps' authority and process to establish restricted areas to protect government assets, and stated that no further evaluation was warranted.

In response to a request by the United States Navy, and pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending its regulations at 33 CFR part 334 to add a permanent restricted area in the waters of the Elizabeth River surrounding the Naval Station Norfolk Lambert's Point Deperming Station in Norfolk, Virginia.

Procedural Requirements

a. *Regulatory Planning and Review.* This final rule is not a "significant regulatory action" under Executive Order 12866 (58 FR 51735, October 4, 1993) and it was not submitted to the Office of Management and Budget for review.

b. *Review Under the Regulatory Flexibility Act.* This final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354). The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments).

The Corps certifies under 5 U.S.C. 605(b) that this final rule would not have a significant economic impact on a substantial number of small entities. The restricted area is necessary for security of the deperming station. The restricted area is also necessary to protect underwater equipment, personnel, and vessels utilizing the facility by implementing a waterside security program. Small entities can utilize navigable waters outside of the restricted area. Only vessels authorized by the Commanding Officer, U.S. Naval Station, Norfolk, Virginia and/or other persons or agencies that he/she may designate may enter the restricted area, and some of these vessels may be operated by small entities.

This determination is based on the rules governing the restricted area, including the ability for vessel operators to obtain permission from the Commanding Officer, U.S. Naval Station, Norfolk, Virginia, and/or other persons or agencies as he/she may designate, to transit the restricted area. The Corps expects that the economic impact of the restricted area would have practically no impact on the public, any anticipated navigational hazard, or interference with existing waterway

traffic. After considering the economic impacts of this restricted area regulation on small entities, I certify that this final rule would not have a significant impact on a substantial number of small entities.

c. *Review under the National Environmental Policy Act.* Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps has determined that the establishment of this restricted area regulation will not have a significant impact to the quality of the human environment and, therefore, the preparation of an environmental impact statement is not required. An environmental assessment has been prepared for this final rule. It may be reviewed at the Norfolk District office at 803 Front Street, Norfolk, Virginia 23510.

d. *Unfunded Mandates Act.* This final rule does not impose an enforceable duty among the private sector and, therefore, it is not a federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. The Corps has also found under Section 203 of the Act that small governments will not be significantly and uniquely affected by this rule.

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Add § 334.296 to read as follows:

§ 334.296 Elizabeth River, Deperming Station, Norfolk, VA, Restricted Area.

(a) *The area.* The waters within an area beginning at a point latitude 36°51'52" N, longitude 76°20'04" W; thence easterly to a point at latitude 36°51'52" N, longitude 76°19'49" W, thence northerly to latitude 36°52'06" N, longitude 76°19'48" W; thence northwesterly to latitude 36°52'12" N, longitude 76°19'57" W; thence northwesterly to a point at latitude 36°52'15" N, longitude 76°19'59" W; thence westerly to latitude 36°52'15" N, longitude 76°20'04" W, thence to the point of origin. The datum for these coordinates is WGS-84.

(b) *The regulations.* (1) No vessels other than vessels of the U.S. armed forces and other authorized vessels shall enter the restricted area. Other authorized vessels include vessels and personnel, including contractors and agents, acting on behalf of any federal or state agency or department performing specific work authorized as part of that agency's or department's statutory missions or to enforce their respective laws. Authorized vessels may enter anywhere in the restricted area at any time in the furtherance of their authorized operations. This includes, but is not limited to, vessels that are engaged in the following operations: law enforcement, servicing aids to navigation, and/or surveying, maintenance, or improvement of the federal navigational channel.

(2) There shall be no introduction of external magnetic field sources within the area.

(3) No person or vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the restricted area due to the risk of damage to mission essential underwater equipment including an extensive cable system located therein.

(4) Orders and instructions issued by U.S. Navy patrol craft or other authorized representatives of the enforcing agency shall be carried out promptly by persons or vessels in or in the vicinity of the restricted area.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Norfolk, Virginia and such agencies as he/she may designate.

Thomas P. Smith,

Chief, P.E., Operations and Regulatory Division, Directorate of Civil Works.

[FR Doc. 2022-16377 Filed 7-29-22; 8:45 am]

BILLING CODE 3720-58-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R02-OAR-2021-0912; FRL-9613-02-R2]

Approval of Air Quality Implementation Plans; New Jersey; Removal of Excess Emissions Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of New Jersey,

through the New Jersey Department of Environmental Protection, on December 14, 2017. The revision submitted by New Jersey was in response to a finding of substantial inadequacy and a SIP call published on June 12, 2015, for a provision in the New Jersey SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. The EPA is approving the SIP revision to correct the deficiency identified in the June 12, 2015, SIP call.

DATES: This final rule is effective on August 31, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA-R02-OAR-2021-0912. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Edward J. Linky, EPA Region 2, 290 Broadway, 25th floor, New York, New York 10007-1866, 212-637-3764; or email Linky.Edward@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we” or “our” is used, it refers to EPA.

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- II. What comments were received in response to this proposed action?
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I. What is the background for this action?

On April 22, 2022, we proposed to approve a SIP revision submitted by the State of New Jersey, through the New Jersey Department of Environmental Protection, on December 14, 2017. (87 FR 24090, April 22, 2022). In that proposal we also proposed to determine that the SIP revision corrects the deficiency with respect to New Jersey that we identified in our June 12, 2015, action entitled “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and

Malfunction” (“June 12, 2015 SIP call”) (80 FR 33839, June 12, 2015). The reasons for our proposed approval and determination are stated in the proposed action (87 FR 24090) and will not be restated here.

II. What comments were received in response to this proposed action?

In response to the EPA’s April 22, 2022, proposed rulemaking on New Jersey’s SIP revisions, the EPA received one comment from the Sierra Club commending the EPA for proposing to approve New Jersey’s revision and requesting a quick final approval of the SIP revision. The EPA acknowledges the supportive comment. The comment may be viewed under Docket ID Number EPA-R02-OAR-2021-0912 on the www.regulations.gov website.

III. What action is the EPA taking?

The EPA is approving New Jersey’s December 14, 2017, request to approve a revised New Jersey Administrative Code, Title 7, Chapter 27, Subchapter 7.2(k) (N.J. Admin. Code 7:27-7.2(k)) which removes N.J. Admin. Code 7:27-7.2(k)(2) from the New Jersey SIP. EPA has also determined this SIP revision corrects the deficiency identified in the June 12, 2015 SIP call.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of N.J. Admin. Code 7:27-7 and N.J. Admin. Code 7:27-7.2(k), listed in the amendments to 40 CFR part 52 set forth below and described in paragraph I. of this preamble. The EPA has made, and will continue to make, these materials generally available through www.regulations.gov and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the